

## REMARKS

In response to the Office Action mailed on 12th March, 2004, Applicant wishes to enter the following remarks for the Examiner's consideration.

Claims 1-40 are pending in the application. A complete listing of the claims is presented herein, although no amendments have been made, for the convenience of the examiner.

### **Rejection of claims under 35 USC §102(e)**

Claims 1-4, 7-9, 14-33 and 36-40 have been rejected under 35 USC §102(e) as being anticipated by Snyder (Patent No. US 6,385,552). Applicant respectfully traverses this rejection of the claims.

Claim 1 calls for "providing a process modification software module comprising a user-defined function for causing the variation; and associating the user-defined function with the variation function". The instructions of Claim 21 include a "function call instruction operable to pass control to a user-defined variation function". Snyder does not teach the use of a user-defined function. Rather, Snyder allows for the user to select between a number of functions previously defined functions (i.e. functions defined by the original programmer). There is no teaching in Snyder that any of these functions is a user-defined function. The user may select which function to use, but no mechanism is provided for the user to define the function itself. Thus, the user is restricted to the previously defined functions listed in the menu. No facility is provided for a new, user-defined function to be provided. Snyder allows the user to modify the data input to a function. This may alter the operation of the function but it does not define the function. In contrast, the

present invention allows the user to define the function by providing a software module. The applicant asserts that a user-selected function is not equivalent to a user-defined function.

The specification (page 14, lines 15-19) describes examples of how the user-defined function is generated by the user. This approach provides much greater flexibility than just selecting a function from a list of previously defined functions.

The specification on page 14, lines 8-10 teaches that it is the user that causes the variation in the measurement process by performing the elements of the method. Further, the preamble to claim 1 describes "A method for a user of a measurement process to cause a variation... ". Page 14, lines 10-12 of the specification states that "the user determines what variations to the measurement process are desired", and that it is the user that generates (provides) the code module (page 14, lines 15-18). In contrast, the Snyder reference only allows the user to select between pre-defined test functions and to alter the parameters of pre-defined functions. In the Snyder system, the user does not provide the code module, as called for in claim 1, rather the user selects between pre-existing code modules. Further, in Snyder the code contains functions pre-determined by the designer of the program. It is not clear how this code could contain user-defined functions, since the user is normally unknown at the time the program is written.

Further Snyder does not teach "associating the user-defined function with the variation function". In the specification on page 14, lines 19-25, various methods for associating the user-defined function with the variation function. Placing the code module in a predetermined directory or registering

the function with an operating system are steps performed by the user once the user has generated the software module. This step is not taught by Snyder. The selection of a function from a menu list typically results in a parameter being returned to the main program. This parameter is then used to control program flow. The pre-defined functions are presumably already associated and do not need to be associated by the user.

Claim 14 calls for the variation to comprise modification of data. This modification of data is achieved by providing a software module that includes a user-defined function. In contrast, Snyder modifies data by providing parameters (from a database) to a pre-defined function.

Snyder does not describe the use of "variation points" where a user-defined variation function is invoked. Applicant submits that the point at which a menu subroutine is called is not equivalent, since the menu subroutine is not a user-defined variation function. Further, on return from the menu subroutine, control is passed to a previously defined routine selected by the user, rather than to a user-defined routine as called for in the present invention.

Snyder, column 26, lines 33-67, describes how a menu may be customized by a user. However, the menu subroutine is not a process modification software module provided by the user, nor does it contain a user-defined function for causing the variation, as called for in claim 1. Further the originator of the program has predetermined which menu subroutine will be called at this point in the code. There is no need for the user to associate the menu subroutine with the call, since the association is explicit in the original code.

In light of the foregoing amendment and remarks, Applicant respectfully submits that the Snyder reference does not teach, suggest, disclose or otherwise anticipate the recitations of claims 1-4, 7-9, 14-33 and 36-40. Applicant thus respectfully requests that this basis of rejection of the claims be withdrawn and that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

**Rejection of claims under 35 USC §103(a)**

Claims 5, 6, 10-13, 34 and 35 have been rejected over Snyder in view of US Patent Application 2002/0026514 to Ellis et al. Applicant respectfully traverses this rejection of the claims.

The Examiner acknowledges that the Snyder reference fails to teach, disclose or suggest that the predetermined protocol is a Simple Object Access Protocol (SOAP) or Common Object Request Broker Architecture (COBRA), or that the measurement process and the modification software are located in separate remote computers that communicate over a network, and relies upon the teachings of Ellis to overcome this defect. It can be seen in light of the foregoing discussion of Snyder, however, that even if one were to combine the Snyder reference with Ellis, the result would not be the claimed invention.

Ellis (0007, lines 11-16) describes the passing of messages between a user interface and a remote automated tool using SOAP or COBRA protocols. It does not teach using these protocols to provide communication between a user-defined variation function and measurement process. Neither Ellis nor

Snyder, nor a combination thereof suggests the use of a user-defined variation function provided by the user.

Ellis (0023, lines 13-18) describes a client-server architecture in which the client is remote from the server. However, in this architecture, all of the processing is performed on the server. In claims 12 and 13 the standard functionality of the measurement process is performed on one computer, while the variation process is performed on another.

In light of the foregoing remarks, Applicant respectfully submits that the Snyder and Ellis references, whether considered alone or in combination fail to teach, disclose, suggest or otherwise render obvious the recitations of claims 5, 6, 10-13, 34 and 35. Applicant thus respectfully requests that this basis of rejection of the claim be withdrawn and that a Notice of Allowance for claims 5, 6, 10-13, 34 and 35 be mailed at the Examiner's earliest convenience.

In light of the foregoing amendments and explanations, applicant submits that all rejections of claims 1-40 have been overcome. Allowance of claims 1-40 is therefore respectfully requested at the Examiner's earliest convenience. Although additional arguments could be made for the patentability of each of the claims, such arguments are believed unnecessary in view of the above discussion. The undersigned wishes to make it clear that not making such arguments at this time should not be construed as a concession or admission to any statement in the Office Action.

Please contact the undersigned if you have any questions regarding this application.

Respectfully submitted,



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